

UNITED STATES DISTRICT COURT

for the

WESTERN

DISTRICT OF

OKLAHOMA

In the Matter of the Seizure of)
 (Briefly describe the property to be seized))
 One 2008 White Chevrolet Silverado,)
 Oklahoma License Tag IHG392,)
 VIN: 1GCEC14X18Z139748,)
 Located at 3225 SW 23rd Street)
 Oklahoma City, OK, or wherever found.)

Case No: M-19-98-STE
FILED
FEB 26 2019

CARMELITA REEDER SHINN, CLERK
 U.S. DIST. COURT, WESTERN DIST. OKLA.
 BY BM, DEPUTY

**APPLICATION FOR A WARRANT
 TO SEIZE PROPERTY SUBJECT TO FORFEITURE**

I, Kyle Cunningham, a federal law enforcement officer for the government, request a seizure warrant and state under penalty of perjury that I have reason to believe that the following property in located in the Western District of Oklahoma, is subject to forfeiture to the United States of America under 18 U.S.C. § 981(b), 21 U.S.C. § 881(a), and 21 U.S.C. 853(f), for violations of 21 U.S.C. § 846 (describe the property):

One 2008 White Chevrolet Silverado, Oklahoma License Tag IHG392, VIN: 1GCEC14X18Z139748, located at 3225 S.W. 23rd Street, Oklahoma City, OK, or wherever found.

The application is based on these facts:

See attached Affidavit of Special Agent, Kyle Cunningham, of the Drug Enforcement Administration, which is incorporated by reference herein.

Continued on the attached sheet.

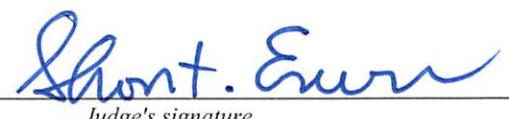


Applicant's signature

Kyle Cunningham
 Task Force Officer
 Drug Enforcement Administration

Sworn to before me and signed in my presence.

Date: Feb. 26, 2019



Judge's signature

City and State: Oklahoma City, Oklahoma

Shon T. Erwin, U.S. Magistrate Judge

Printed name and title

**WESTERN DISTRICT OF OKLAHOMA
OKLAHOMA CITY, OKLAHOMA**

STATE OF OKLAHOMA)

)

COUNTY OF OKLAHOMA)

AFFIDAVIT

I, Kyle Cunningham, being first duly sworn, hereby depose and state as follows:

1. I am currently participating in a multi-agency investigation with the Drug Enforcement Administration (DEA), Department of Homeland Security (DHS), and the Internal Revenue Service (IRS) in relation to the and distribution of controlled dangerous substances. Specifically methamphetamine and the laundering.
2. I am a Task Force Officer (TFO) of the Drug Enforcement Administration (DEA). As such, your affiant is "an investigative or law enforcement officer of the United States" within the meaning of Section 2510(7) of Title 18, United States Code; that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, the offenses enumerated in Title 18, United States Code, Section 2516. I am a Council on Law Enforcement Education and Training (C.L.E.E.T.) certified law enforcement officer who has been employed by the Edmond Police Department since July 20, 2009. I am a Detective in the Edmond Police Department's Special Investigations Unit, which primarily

focuses on controlled-substance investigations. I have been a deputized federal TFO with DEA for approximately three (3) years.

3. I have conducted or participated in investigations that have resulted in the seizure of multi-kilogram quantities of cocaine, kilogram quantities of heroin, multi-pound quantities of methamphetamine, multi-pound quantities of marijuana, anabolic steroids, as well as seizures of proceeds and assets derived from the sale of controlled substances. During my career, I have been a part of investigations that utilize multiple methods of investigation, which include, but are not limited to: visual surveillance, witness interviews, service of search and arrest warrants, informants, pen registers, undercover agents, tracking devices, and wiretaps.
4. The facts set forth in this affidavit are based upon (1) my own personal observations; (2) reports and information provided to me by other law enforcement agents or government agencies; (3) other documents obtained during the course of the investigation through subpoenas; (4) confidential source (CS) information; (5) undercover buys; (6) and my training and experience. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PURPOSE OF AFFIDAVIT

5. The purpose of this affidavit is to obtain a seizure warrant. Based on the facts set forth herein, probable cause exists to show that a 2008 White Chevrolet Silverado, VIN: 1GCEC14X18Z139748, bearing Oklahoma license plate IHG392 (hereinafter referred to as "SUBJECT VEHICLE") is subject to seizure and forfeiture according

to Title 21, United States Code, Sections 853 and 881(a), as facilitating property because Albino GONZALEZ and (GONZALEZ) and Edwin DUBON (DUBON), utilized it to distribute controlled dangerous substance, specifically methamphetamine, in violation of Title 21 United States Code, Section 846.

**BACKGROUND ALLEGATIONS
REGARDING DRUG TRAFFICKERS**

6. On March 8, 2018 at approximately 6:00am, the City of Norman Special Operations and TFO Wes Yost of the DEA OCDO HIDTA Group executed a search warrant at 2429 SE 89th Terrace, Oklahoma City, Oklahoma. On March 05, 2018, the federal search warrant for the aforementioned property was signed by U.S. Magistrate Judge Goodwin in Western District of Oklahoma.
7. During the execution of the search warrant GONZALEZ, Jose CANO Jr., and Edwin DUBON were all detained. A search of the residence was conducted and multiple cell phones and suspected drug ledger were seized from the residence. Also located in the garage of the residence was the SUBJECT VEHICLE. GONZALEZ was ultimately arrested on a Federal Arrest Warrant out of the Western District of Oklahoma, where GONZALEZ was indicted on March 7, 2018, for Conspiracy to Possess with Intent to Distribute and Distribute Methamphetamine and Cocaine, Unlawful Use of a Communication Facility, Possession of Methamphetamine with Intent to Distribute; and Aiding and Abetting, and Maintaining a Drug Involved Premises.
8. Since the arrest of GONZALEZ, the investigation continued into GONZALEZ's Drug Trafficking Organization. The DEA conducted an interview with a

cooperating defendant (CD1), from another agencies investigation, who had specific knowledge of GONZLAEZ's DTO. CD1's information has been proven reliable and confirmed by another cooperating defendant (CD2) in this case. CD1 has agreed to testify to the following information.

9. CD1 recalled in January of 2018, when the CD1 provided \$10,000.00 in U.S. Currency to Luis VEGA (VEGA), brother in-law of GONZALEZ. The CD1 and VEGA traveled to 2429 SE 89th Terrace in Oklahoma City, Oklahoma, where the \$10,000.00 in U.S. Currency was provided to GONZALEZ. VEGA had arranged with GONZALEZ, the CD1 would be purchasing nine pounds of methamphetamine from GONZALEZ and an additional \$10,000.00 in U.S. Currency would still be owed. During this meeting GONZALEZ informed VEGA and the CD1 that GONZALEZ and was in possession of kilogram of heroin, too, which was going to be sent north.

10. Later that same day, DUBON delivered approximately three pounds of methamphetamine to VEGA and CD1. DUBON was driving the SUBJECT VEHICLE. VEGA and CD1 met with DUBON behind a salon, where DUBON retrieved the methamphetamine from a compartment under the middle seat and gave it to GONZALEZ. A few days later, DUBON delivered approximately 6 pounds of methamphetamine to VEGA and the CD in the SUBJECT VEHICLE.

11. Additionally, CD1 was in the same pod with GONZALEZ, where the two were being housed following their arrest. CD1 has spoken with GONZALEZ on several occasions about GONZALEZ's case and drug trafficking activities. GONZALEZ

sent his product (illegal drugs) North from Oklahoma City, because GONZALEZ made a greater profit. CD1 was unsure of the exact destinations. CD1 was aware of young girl being arrest transporting large load of methamphetamine belonging to GONZALEZ. GONZALEZ told CD1 the young girl did not "snitch" on GONZALEZ and fled to Mexico.

12. On February 4, 2019, at approximately 1524 hours GONZALEZ placed an outgoing call from Logan County Jail to Janet CARR (CARR), former spouse of GONZALEZ, at 405-923-8900. The duration of the phone call was approximately five minutes and fifty-four seconds and the conversation was in Spanish. It should also be noted, GONZALEZ used the pin of another inmate, Alvaro Valente Macias Enriquez (PIN 1012) in Logan County Jail to place the call. A qualified DEA intelligence linguist provided the following transcript of the call (Emphasis added):

GONZALEZ: Hey
CARR: Hey
GONZALEZ: What's up?
CARR: Nothing
GONZALEZ: What are you doing?
CARR: Did the young woman call me?
GONZAEZ: They called you?
CARR: Yes but nobody else as called me
GONZALEZ: **Oh no, is going to call you, my "compadre" is going to call you there**
CARR: Huh?
GONZALEZ: **My "compadre" is going to call you**
CARR: Oh ok yeah tell him to call me. No, well it's there anyway...
GONZALEZ: **Oh hey, well that's why we wanted, that's why I wanted to talk that because that as well, he also said that, about that, that's why I want you to take it from there**
CARR: What?
GONZALEZ: **This guy also talked about that**
CARR: **What guy? Oh, yeah?**

GONZALEZ: Yes, that's why I want you to take it from there

CARR: No, well there's no problem anyway. I have it there in the back

GONZALEZ: Oh yeah? That's good. Hey...

CARR: Yes I have it in the back parked in the back...

GONZALEZ: Hey

CARR: over there in the back. Yes?

GONZALEZ: This guy, from... from... "Corta's" brother

CARR: Uh huh...

GONZALEZ: I need you to talk to him

CARR: Uh huh what do I tell him? Well, he also said something, said something about that guy

CARR: Oh that guy said something?

GONZALEZ: Yes he said... No, no, no, no, no not him, "Mema" the one I sent you "mole" with, the one that sold you the truck

CARR: Yes, yes

GONZALEZ: That one also said that he had seen him. That he had something there, do you understand me?

CARR: Oh yeah? Yeah...

GONZALEZ: Yes, because what's up with him is that he

CARR: Uh huh...

GONZALEZ: So that you can tell him over there that, that if they end up... something that was going to happen with him that I told him that no, that I just know him that's it, that it is lies that he is saying.

CARR: Okay, no that's fine

GONZALEZ: But you need to talk to him [UNINTELLIGIBLE]

CARR: Okay, no don't worry, I will tell him

GONZALEZ: Mmhm

CARR: No, well, that's fine. When is the "compadre" going to come visit me or what?

GONZALEZ: Well I think that maybe today or tomorrow, I don't know. I am going to talk to him right now so he can... because I already gave him your number so he can call you

CARR: No, well hopefully he calls me or give me his number so I can call him so I can take it to him or something

GONZALEZ: Well I don't have the number but let me, I am going to call him. I am going to call him through HOMEWAV because that's where I can communicate with his wife

CARR: Uh huh...

GONZALEZ: And I am going to tell her to, to... as a matter of fact, you know who, who has the number

CARR: Who?

GONZALEZ: That fool, Juanito

CARR: Oh Juanito, ohhhh yeah, yeah okay that's fine, perfect

GONZALEZ: Mmhm

CARR: I will tell Juanito to give it to me

GONZALEZ: Mmhm so you can call him to see if he can do it, hopefully... tell him to put it up somewhere real good because tell him how everything is going here

CARR: I don't understand you, what are you saying?

GONZALEZ: For you to tell him to put it up somewhere so he doesn't take it out

because, tell him how everything is going
CARR: No well if you want I can put it in a storage
GONZALEZ: What?
CARR: You don't want me to put it in a garage, in a storage, or what?
GONZALEZ: Well we need to put it there or something so there aren't any problems,
you know what I mean, or... I don't know talk to him to see what he tells you
CARR: Okay, that's fine I will tell this guy to give me the number.

02:55

GONZALEZ and CARR have a general conversation about their minor son, who lives with CARR, and CARR's current relationship status then begin to say their goodbyes.

05:46

GONZALEZ: Don't forget to call "J"
CARR: No, no, no, no, no, I am not going to forget
GONZALEZ: Please, please, that is urgent to me because...
CARR: Alright then
GONZALEZ: Okay bye

05:54 End time

13. On February 26, 2019, GS Shan Spain and TFO Kyle Cunningham conducted surveillance at 3225 SW 23rd Street in Oklahoma City, Oklahoma, which is the address of CARR. CARR's residence backs up to Lorraine Thomas Park (public park), 2301 South Independence in Oklahoma City. GS Shan Spain, while walking in the Lorraine Thomas Park, observed a White Single Cab Chevrolet Silverado backed up to CARR's residence in the backyard. TFO Kyle Cunningham compared photographs of the White Chevrolet at CARR's residence, to the SUBJECT VEHICLE located at located at 2429 SE 89th Terrace in Oklahoma City, Oklahoma, on March 8, 2018. Based on that comparison he determined the White Single Cab Chevrolet Silverado backed up to CARR's residence was the SUBJECT VEHICLE.

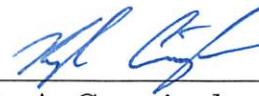
14. Based on my training and experience and knowledge of the investigation, the phone conversation and surveillance indicate GONZALEZ is aware of other co-conspirators, such as CD1, preparing to testify against GONZALEZ. DUBON, at the direction of GONZALEZ, utilized the SUBJECT VEHICLE to distribute methamphetamine (See Paragraph 9). CARR is currently maintaining possession of the SUBJECT VEHICLE at the direction of GONZALEZ. GONZALEZ is concerned about law enforcement's knowledge of the vehicle and GONZALEZ's role, since GONZALEZ's criminal case is still pending and CD1's statements to law enforcement. This explains the above conversation, which GONZALEZ is attempting to make arrangement to distance himself and his associates (CARR) from the SUBJECT VEHICLE as quickly as possible by concealing it away from law enforcement.

15. Due to the CD statements, the guarded jail conversation, and the observations on surveillance at CARR's residence on February 26, 2019, your affiant believes SUBJECT VEHICLE is utilized by DUBON to facilitate GONZALEZ's drug trafficking activities. The SUBJECT VEHICLE is currently in the backyard of CARR's residence, 3225 SW 23rd Street in Oklahoma City, in an attempt to conceal its whereabouts at the direction of GONZALEZ.

CONCLUSION

16. Based on the foregoing I submit that probable cause exists to show that GONZALEZ and DUBON committed violations of Title 21, United States Code, Section 846 and that the SUBJECT VEHICLE is subject to seizure and forfeiture

pursuant to Title 21, United States Code, Sections 853 and 881(a) based on the violation of Title 21, United States Code, Section 846.



Kyle A. Cunningham
Task Force Officer, TFO

Sworn and subscribed to before me
on this 26th day of February, 2019.



SHON T. ERWIN
U.S. Magistrate Judge